

Issued May 17, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 1394.

(Given pursuant to section 4 of the Food and Drugs Act.)

### MISBRANDING OF BUTTERFLY CANE AND MAPLE SYRUP.

At a stated term of the District Court of the United States for the Northern District of California, begun and held on the second Monday of July, 1911, the grand jurors of the United States within and for said district returned an indictment to said court against the Gordon Syrup Co., a corporation, Oakland, Cal., charging that on or about October 7, 1910, the defendant sold to Dixon Fagerberg, of Phoenix, Ariz., a quantity of syrup under a written guaranty that the same was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and that on or about October 17, 1910, the said defendant, at the request of the said Dixon Fagerberg, shipped the said syrup direct from Oakland, Cal., to E. S. Wakelin Grocer Co. (Inc.), at Phoenix, Ariz., and that the said product was misbranded. The product was labeled: "Butterfly Brand Cane and Maple Syrup, Gordon Syrup Co., Oakland-San Francisco, California, guaranteed by Gordon Syrup Co. under the Food and Drugs Act, June 30, 1906, Serial No. 24389."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Total solids, 66.5 per cent; total ash, 0.08 per cent; soluble ash, 0.04 per cent; insoluble ash, 0.04 per cent; Winton lead number, 0.11. These results show that not more than 8 per cent of maple syrup is present, and probably not more than 5 per cent, if so much. Misbranding was charged in the indictment for the reason that the product was so labeled as to deceive and mislead the purchaser into the belief that the syrup was a composition of maple and cane syrup when in fact it contained practically no maple syrup nor had it any of the characteristics of maple syrup nor even the semblance of the flavor of maple syrup.

On November 29, 1911, the defendant, the Gordon Syrup Co., pleaded guilty to the indictment and was fined \$100.

The allegation in the information, "Sold to Dixon Fagerberg of Phoenix," is erroneous. Mr. Fagerberg's address is Prescott, Ariz.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 6, 1912.*